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July 7, 2006

**FILED VIA ECFS**Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Room TW-A325  
Washington, DC 20554**Re:      MB Docket No. 03-15**  
**WBKB-TV, Alpena, Michigan (FIN-67048)**  
**Request for Waiver of July 1, 2006 Construction Deadline**

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Dear Ms. Dortch:

Currently, WBKB-TV, Alpena, Michigan, is operating a lower power DTV facility pursuant to special temporary authority, which provides DTV service to the station's community. Consistent with the Commission's policy, operation with this STA facility has automatically extended the expiration of the station's underlying DTV construction permit. Due to financial circumstances beyond its control, WBKB-TV cannot afford to build out its full authorized DTV facilities at this time, and instead, seeks authorization to continue operating the lower power STA facilities. Accordingly, WBKB-TV respectfully requests a waiver of the July 1, 2006 replication deadline and an extension of the underlying construction permit.

Simultaneously herewith, Thunder Bay Broadcasting Corporation ("Thunder Bay"), licensee of WBKB-TV, Alpena, Michigan, is filing an FCC Form 337 via CDBS seeking an extension of WBKB-TV's DTV construction permit FCC File No. BPCDT-19991101AHA. Consistent with telephone conversations with the Commission's Media Bureau staff, it is understood that the timely submission of a request for extension of the station's underlying DTV construction permit is sufficient to toll the July 1, 2006, "use-it or lose-it" replication deadline. Out of an abundance of caution, however, Thunder Bay hereby submits this letter in MB Docket No. 03-15 via the FCC's Electronic Comment Filing System to clarify that WBKB-TV is

Marlene H. Dortch, Secretary  
July 7, 2006  
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seeking a waiver of the July 1, 2006 replication deadline as well as an extension of its underlying DTV construction permit. Accordingly, the financial hardship showing made pursuant to the simultaneously filed FCC Form 337 is hereby incorporated into MB Docket No. 03-15. A copy of the FCC Form 337 extension request is attached hereto and provides justification for both an extension of WBKB-TV's construction period and a waiver of the July 1, 2006 use-it or lose-it replication deadline. As detailed in Exhibit 1 to the FCC Form 337, due to financial constraints beyond the applicant's control, the station is unable to build its full authorized DTV facilities at this time and respectfully requests an extension of time. Supporting financial documentation is being filed separately pursuant to a request for confidentiality.

If there are any questions regarding this request, please contact the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Brendan Holland', written in a cursive style.

Brendan Holland

cc: Shaun Maher (via hand delivery)  
Enclosure

## **Federal Communications Commission**

**FCC MB - CDBS Electronic Filing**

**Account number: 732417**

**Description: REQUEST FOR EXTENSION OF WBKB-DT DTV CP**

**Application Reference Number: 20060707ADK**

**Successfully filed at Jul 7 2006 3:43PM**

**Based on the information supplied, no fee is required.**

[Menu](#)

Federal Communications Commission Washington, D.C. 20554		Approved by OMB 3060-0032 (June 2002)		FOR FCC USE ONLY	
<b>FCC 337</b>					
<b>APPLICATION FOR EXTENSION OF TIME TO CONSTRUCT A DIGITAL TELEVISION BROADCAST STATION</b>				FOR COMMISSION USE ONLY FILE NO. - 20060707ADK	
1. Legal Name of the Licensee/Permittee THUNDER BAY BROADCASTING CORPORATION					
Mailing Address 1390 BAGLEY STREET					
City ALPENA		State or Country (if foreign address) MI		Zip Code 49707 -	
Telephone Number (include area code) 9893563434		E-Mail Address (if available)			
FCC Registration Number: 0012088241		Call Sign WBKB-DT		Facility Identifier 67048	
2. Contact Representative (if other than licensee/permittee) DAVID D. OXENFORD				Firm or Company Name DAVIS WRIGHT TREMAINE LLP	
Mailing Address 1500 K STREET, NW SUITE 450					
City WASHINGTON		State or Country (if foreign address) DC		ZIP Code 20005 -	
Telephone Number (include area code) 2025086600		E-Mail Address (if available) DAVIDOXENFORD@DWT.COM			
3. Facility Information:					
a. <input checked="" type="radio"/> Commercial		b. <input type="radio"/> Noncommercial Educational			
c. Community of License:					
City: ALPENA		State: MI			
4. <b>Purpose of Application.</b> Applicant requests an extension of time in which to complete the construction authorized pursuant to (check one):					
<input checked="" type="radio"/> a permit for a new DTV station		Permit No. BPCDT-19991101AHA		Expiration Date: 11/06/2003	
<input type="radio"/> a modification of a DTV construction permit		Permit No. -		Expiration Date:	
<input type="radio"/> Amendment to pending application					
5. Applicant certifies that construction cannot be completed due to (check all that apply):					
<input type="checkbox"/> technical (e.g., equipment delays)					
<input type="checkbox"/> legal (e.g., litigation)					
<input checked="" type="checkbox"/> financial (e.g., inability to finance)					
<input type="checkbox"/> other reasons (e.g., natural disasters)					
Describe in an Exhibit the specific reason(s) requiring additional time to construct, including the steps taken by the applicant to solve or mitigate the problem(s).				[Exhibit 1]	
6. Has the construction period for this station been previously extended ?				<input checked="" type="radio"/> Yes <input type="radio"/> No	

	a.If Yes, describe in an Exhibit the applicant's diligent efforts during the most recent construction period to overcome the circumstance(s) preventing construction.	[Exhibit 2]
7.	Applicant requests that the time within which to complete construction be extended until:	1/7/2007
	a. If applicant is not able to state now when construction is expected to be completed, describe in an Exhibit the reasonable steps it is taking to resolve the problem(s) preventing timely construction.	[Exhibit 3]
8.	<b>Anti-Drug Abuse Act Certification.</b> Applicant certifies that neither applicant nor any party to the application is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. Section 862.	<input checked="" type="radio"/> Yes <input type="radio"/> No

I certify that the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith. I acknowledge that all certifications and attached Exhibits are considered material representations. I hereby waive any claim to the use of any particular frequency as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and request an authorization in accordance with this application. (See Section 304 of the Communications Act of 1934, as amended.)

Typed or Printed Name of Person Signing STEPHEN MARKS	Typed or Printed Title of Person Signing PRESIDENT
Signature	Date 7/7/2006

WILLFUL FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001), AND/OR REVOCATION OF ANY STATION LICENSE OR CONSTRUCTION PERMIT (U.S. CODE, TITLE 47, SECTION 312(a)(1)), AND/OR FORFEITURE (U.S. CODE, TITLE 47, SECTION 503).

## Exhibits

### Exhibit 1

Description: EXHIBIT 1

PLEASE SEE ATTACHED.

### Attachment 1

Description
<u>Exhibit 1</u>
<u>Attachment 1</u>

### Exhibit 2

Description: EXHIBIT 2

PLEASE SEE EXHIBIT 1 ABOVE.

### Attachment 2

**EXHIBIT 1**

Thunder Bay Broadcasting Corporation (“Thunder Bay”), licensee of WBKB-TV, Alpena, Michigan, hereby requests a waiver and extension of the July 1, 2006, “use-it or lose-it” replication construction deadline for WBKB-DT to build its replication DTV facilities. As discussed in detail below, such an extension and waiver is warranted in this situation because of financial constraints beyond the applicant’s control and because the public interest would be served by such an extension.

WBKB-TV was granted an initial DTV construction permit in April 2002 (FCC File No. BPCDT-19991101AHA). After receiving one extension of this DTV construction permit (FCC File No. BEPCDT-20030402ACU), the station subsequently commenced DTV operations with a low power STA facility in 2003, thereby providing DTV service to the community of Alpena. See FCC File No. BDSTA-20030321ACU. Consistent with the Commission’s DTV channel election process, WBKB-TV certified that it sought interference protection for the DTV facilities specified in its underlying permit (FCC File No. BPCDT-19991101AHA) and that it elected to remain on its allotted DTV Channel 13. WBKB-DT has continued operating this low power DTV STA facility, which has extended the expiration of the underlying construction permit automatically consistent with the Commission’s Report and Order, *Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television*, 16 FCC Rcd 20594 (2001) (“*First DTV Order*”).<sup>1</sup> As WBKB-TV has received only one extension of its DTV construction permit previously, this request can be considered by the Media Bureau, which is authorized to

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<sup>1</sup> On June 29, 2006, WBKB-TV filed a request to extend the station’s low power DTV special temporary authority.

grant licensees up to two six-month extensions of the DTV construction period. *First DTV Order* at ¶ 47.

By its August 2004 DTV Order, the Commission established a “use-it or lose-it” deadline to encourage stations to build full DTV facilities that replicate their analog service area. *See Second Periodic Review of the Commission’s Rules and Policies Affecting the Conversion to Digital Television*, 19 FCC Rcd 18279 (2004) (“*Second DTV Order*”). For stations such as WBKB-TV, that deadline was set at July 1, 2006. The deadline was subsequently extended to July 7, 2006, pursuant to the Media Bureau’s Public Notice, DA 06-1372, released June 29, 2006. By this FCC Form 337, Thunder Bay hereby seeks an extension of the replication construction deadline for WBKB-TV.

As the Commission is aware, WBKB-TV is located in the Alpena, Michigan market, which, according to Nielsen Media Research is the third smallest television market in the country, ranked number 208 out of 210 Nielsen markets. Nielsen estimates that the market has approximately 18,000 television households and a population of merely 42,000 people.<sup>2</sup> WBKB-TV is the only commercial television station in the market, which also has a single non-commercial television station. The exceedingly small nature of the market makes operating a television station in this area challenging, and makes the prospect of building a full-power DTV facility downright daunting.

Thunder Bay has researched the cost of building WBKB-TV’s full-power DTV facilities consistent with the station’s underlying construction permit, however, given the station’s financial situation, the cost of constructing a full-power facility at this time would exceed the

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<sup>2</sup> BIAfn Television Yearbook 2005 at p. 6 (2005).

station's financial resources. Attached hereto is an itemized estimate prepared by WBKB-TV's consulting engineer, Mark J. Nowak, detailing the estimated costs for the purchase and installation of WBKB-TV's full-power DTV facility. *See Attachment 1.* As detailed therein, the cost for such a facility is estimated to be at least \$1,100,000, well beyond Thunder Bay's present financial reach. Notably, the attached estimate does not include shipping and freight costs, nor does it reflect additional expenses such as video and audio monitoring systems, or electrical, HVAC, or structural work that may be necessary to complete the installation, meaning the final price of the DTV build out could be significantly higher.

Simultaneously herewith, Thunder Bay has submitted to the FCC financial documentation reporting the company's revenue, operating expenses, and income for the past two years, which demonstrate the financial hardship facing WBKB-TV. Thunder Bay has submitted its financial documentation to the Commission under separate cover pursuant to a request for confidentiality under Section 0.459 of the Commission's Rules. 47 C.F.R. § 0.459. The specifics of the station's financial situation are detailed further in the separate submission, which provides a income statement for Thunder Bay Broadcasting Corporation for the fiscal years ending June 30, 2004, and June 30, 2005, respectively. It is clear from this income statement that WBKB-TV has incurred significant losses during the preceding two-year period. The cost of building a full DTV facility for WBKB-TV at this point exceeds the company's financial resources, and would put the station and the licensee in financial difficulty. Furthermore, given the extremely small size of the Alpena market, the low-penetration rate of television sets capable of receiving DTV signals, and the company's current financial situation,



Thunder Bay does not believe it is feasible to obtain financing for a full-power digital facility at this time.

Based on the station's financial hardship, Thunder Bay submits that good cause exists for an extension and waiver of the replication construction deadline and the station's underlying DTV construction period. Previously, the Commission has granted waivers of digital construction deadlines based on showings of financial hardship. *See, e.g., DTV Build-out Requests for Extension of the Digital Television Construction Deadline Commercial Television Stations*, 20 FCC RCD 5773 (2005); *DTV Build-out Requests for Extension of the Digital Television Construction Deadline Commercial Television Stations*, 19 FCC 10790 (2004). While Thunder Bay is committed to the DTV transition and takes its obligations as a licensee seriously, Thunder Bay's present financial situation make it impossible for the station to build out a paired full-power DTV facility at this time. Accordingly, WBKB-TV respectfully requests an extension of time in which to construct its digital facilities.

**WBKB-TV, Alpena, Michigan**  
**Form 337**  
**Exhibit 1**  
**Attachment 1**

**Estimated cost for DTV build out for WBKB-TV, Alpena, Michigan**

Dielectric TF-12 with deicers --	approx. \$305,000
580 foot of 3 1/8 inch transmission line--	\$24,300
Harris PTCD40P4-i DTV transmitter --	\$627,000
Tandber E5710 encoder with PSIP --	\$53,000
Antenna and transmission line install --	\$70,000 - \$80,000
Transmitter install and proof --	\$12,000

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Total estimated equipment and setup cost = \$1,101,300

(Please note, the above estimated costs do not include shipping and freight. In addition, the above estimate provides the estimated cost of the primary components required for the DTV facility, but does not reflect additional equipment such as video and audio monitoring systems or any electrical, HVAC, or structural work that may be necessary to complete the installation.)